

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 MAR 25 AM 9:57

UNITED STATES OF AMERICA,

Plaintiff,

v.

Martin OROSCO-Ibarra,

Defendant

) Magistrate Docket No.
)
), 08 MJ 0916 KWT
) COMPLAINT FOR VIOLATION OF: DEPUTY
) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States
)
)

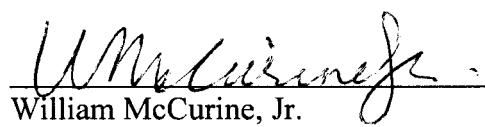
The undersigned complainant, being duly sworn, states:

On or about **March 23, 2008** within the Southern District of California, defendant, **Martin OROSCO-Ibarra**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25th DAY OF March 2008


 William McCurine, Jr.
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Martin OROSCO-Ibarra

PROBABLE CAUSE STATEMENT

On March 23, 2008, Border Patrol Agent M. Manzano was performing assigned line watch duties in the Imperial Beach area of operations. At approximately 6:05 p.m., Agent Manzano observed an individual running north in an area known as "Campos Ditch." This area is approximately three miles west of the San Ysidro, California Port of Entry and 100 yards north of the United States/Mexico International Boundary.

Agent Manzano identified himself as a Border Patrol Agent and conducted an immigration inspection. The subject later identified as the defendant **Martin OROSCO-Ibarra** admitted to being a citizen and national of Mexico without any immigration documents to be in or remain in the United States legally. The defendant was arrested and transported to the Imperial Beach Border Patrol Station for processing.

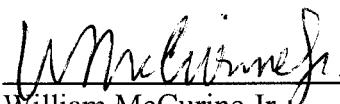
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **February 5, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights in the Spanish language. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

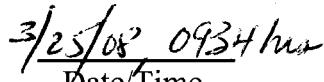


James Trombley

Senior Patrol Agent



William McCurine Jr.
U.S. Magistrate Judge



Date/Time